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Process approved for Measure 37 claims

Monmouth officials OK ordinance

By [Craig Coleman](#)

MONMOUTH -- Monmouth city leaders adopted an ordinance last week that outlines the process for handling Measuring 37 claims.

Approved by voters during the November election, the measure requires governments to reimburse property owners who can prove that imposed regulations have reduced the fair market value of their land.

Entities can waive or modify their restrictions in lieu of payment. The measure allows 180 days to resolve the matter before a claimant can file a lawsuit.

Monmouth City Council did a first reading of a draft of their law Dec. 7, two days after the the measure went into effect statewide.

"We didn't feel like there was a necessity to rush it," Mayor Larry Dalton said, adding, "We don't anticipate the city having too many Measure 37 issues."

Monmouth hasn't received any claims to date. Among the Measure 37 filing requirements:

- ◆ Names, addresses and other information on owners and others with interest in the property, including lien holders, trustees and renters.
- ◆ The tax lot number and legal description of the real property that is the subject of the claim, along with documentation that shows ownership and purchase date.
- ◆ How the restriction hurts property values, the amount of just compensation sought and degree of development being sought by the owner.

The applicant will pay a \$1,000 deposit to file a claim, with staff and legal hours billed against that sum. The difference will be refunded to the individual; costs above \$1,000 will be borne by the claimant.

Measure 37 advocates have criticized some cities and local governments for establishing large fees as a way of dissuading people from exercising the law.

City Attorney Mark Irick said the city would use the deposit method

until city staff had enough experience processing claims to set up a permanent fee system.

Monmouth's claims process contains several provisions that address situations not expressly outlined in Measure 37's language.

One involves property owners filing a case against the city in Polk County Circuit Court -- because their claim wasn't settled in 180 days or because the person disagreed with the ruling.

Per the ordinance, the court's decision could be remanded back to city council, which can then pay compensation or remove the restriction.

"This could prevent a difficult situation, where a judge orders that the city has to pay money that it doesn't have budgeted," Irick said.

Another section sets deadlines for owners who have regulations on their property modified and desire to build on it.

For example, construction of a project must begin within six months of the council's decision or risk losing approval for development. An individual would also be prohibited from selling property until a land division or development was completed.

Irick said this would help ensure that the claimant alone receives the benefit of the city's decision.

One of the most important provisions of the ordinance allows applicants to schedule a pre-claim conference with city officials, Irick said.

"This will save people time and money and staff time for Monmouth," he said. "A person that appears to have legitimate claim will know what to do.

"If it's something that doesn't pass muster, the applicant will have the information to decide whether or not he want to proceed with a claim that may not meet Measure 37 criteria."

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